

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	07-613-01 (SDW)
	:	
v.	:	
	:	
EZRA MCCOMBS,	:	
Defendant	:	
	:	<u>AMENDED ORDER</u>
KORYNNE BERNARD	:	
NEHEMIAH MCCOMBS and	:	
DENNIS JIU	:	
Sureties	:	

This matter having come before the Court on the application of Maury Winkler, Esq. (attorney for surety Nehemiah McCombs), with notice to Christopher J. Christie, United States Attorney for the District of New Jersey (Sandra L. Moser and Robert A. Kirsch, Assistant U.S. Attorneys, appearing), on a Motion to Set Aside Bond Forfeiture Judgment,

IT IS THE FINDING OF THIS COURT that the motion should be granted as to surety Nehemiah McCombs for the following reasons:

(1) On or about May 30, 2007, bail was set in the above-entitled action for defendant Ezra McCombs at \$150,000 by the Honorable Madeline Cox Arleo in the District of New Jersey;

(2) On or about May 30, 2007, in the District of New Jersey, defendant Ezra McCombs, through his former attorney, James Bell, Esq., obligated himself and executed a bond in the amount of \$150,000 with sureties Korynne Bernard, a girlfriend of defendant, Nehemiah McCombs, defendant's brother, and Dennis Jiu, defendant's business associate. The conditions of the bond provided that the defendant was to: be released to the custody of Korynne Bernard who would serve as third party custodian; maintain residence at the home of Korynne Bernard;

surrender all passports and travel documents to pretrial services; report to pretrial services as directed; surrender his Virginia driver's license; not commit any offense in violation of federal, state or local law; and undergo drug and alcohol treatment if deemed necessary; and if the defendant failed to perform these conditions, payment of the bond would be due forthwith;

(3) Defendant Ezra McCombs left his residence on July 21, 2008, as represented by defense counsel, and has not reported to pretrial services since that date and time;

(4) Defendant Ezra McCombs was scheduled to appear in this Court on July 21, 2008, for a hearing regarding his pretrial motions, and required to appear on July 23, 2008, for jury selection, but defendant Ezra McCombs failed to appear in court;

(5) Defendant Ezra McCombs breached the conditions of his release, and, on or about July 21, 2008, the Court issued a warrant for his arrest;

(6) Defendant was apprehended by the United States Marshals Service on or about August 15, 2008;

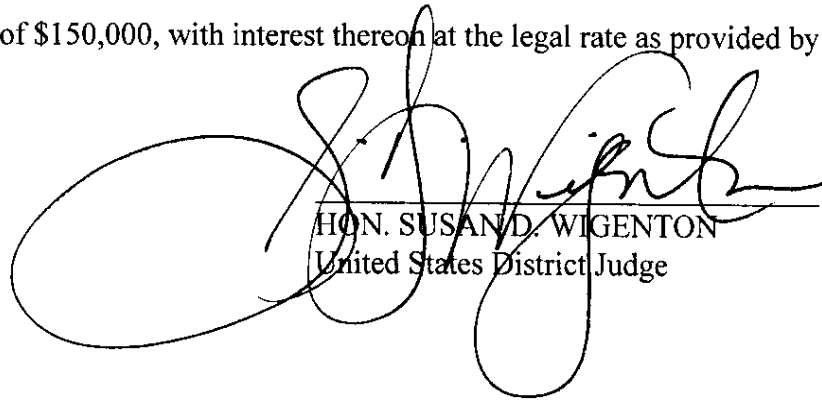
(7) Surety Nehemiah McCombs assisted the United States in apprehending defendant Ezra McCombs by providing information to the United States Marshals Service;

(8) Justice does not require bond forfeiture by surety Nehemiah McCombs.

WHEREFORE, IT IS on this 19th day of November, 2008

ORDERED that pursuant to Crim. R. 46(f)(2)(B) and Title 18, United States Code, Section 3146(d), the Office of the Clerk of the Court shall vacate the entry of judgment in the amount of \$150,000 against surety Nehemiah McCombs and enter an amended order to reflect entry of judgment in the amount of \$150,000 against defendant Ezra McCombs, and it is further

ORDERED that pursuant to Crim. R. 46(f) and Title 18, United States Code, Section 3146(d), the United States shall have and recover from defendant Ezra McCombs judgment in the amount of \$150,000, with interest thereon at the legal rate as provided by law.



HON. SUSAN D. WIGENTON
United States District Judge